re: Hunger Strike by Ex-employees of Contract Carriages

SRI M.S. ATMANANDA (Mandya).—Sir, I call the attention of the Minister for Transport and Minor Irrigation to the hunger strike by the ex-employees of Contract Carriages which were taken over by the Government.

SRI M. M. J. SADYOJATHA (Minister for Transport and Minor Irrigation)—Sir, I wish to make the following statement.

On 30-1-1976, the Government of Karnataka promulgated the Karnataka Contract Carriage (Acquisition) Ordinance 1976 with the object of acquiring contract carriages operating in the State of Karnataka. The Ordinance also provided for certain other matters connected there with such as absorbing of employees of the erstwhile Contract Carriage Operators etc., Sub-Clause (3) to clause No. 20 of the Ordinance referred to above provided for such absorption of the employees of erstwhile Contract Carriage Operators against each vehicle as under.

1	Drivers	...	1.5
2	Conductors	...	2.65
3	Supervision	...	0.125
4	Higher Supervision Staff and Managers		0.075
5	Ministerial and Secretariat Staff	...	0.8
7	Technical Staff including Foremen	...	2.75

The said ordinance was replaced by the Karnataka Contract Carriage (Acquisition) Act, 1976.

The Act is substantially similar in terms to the ordinance except for the difference with regard to the ratio prescribed by proviso to sub-clause(3) to clause 20 of the ordinance. The ratio provided in the Act per vehicle is as follows.—

1	Driver	...	1.5
2	Supervision staff and Manager	...	0.1
3	Ministerial and Secretarial Staff	...	0.1
4	Technical Staff including Foremen	...	2.75

Under proviso to sub-clause(3)to Clause 20 of the Ordinance the scale of employees of the erstwhile Contract Carriage Operators available under the said ordinance for absorption was 7.9 whereas under the proviso to sub-section (3) of Section 19 of the said Act, the scale of absorption of the employees is 4.45 per vehicle.

While in the ordinancethe conductors were entitled to be absorbed from among the employees of the erstwhile Contract Carriages Operators, the category of conductors does not find a place in the Karnataka Contract Carriage (Acquisition) Act Pursuant to the Ordinance and the Act, 602 Contract Carriage vehicles were acquired and transferred to the Karnataka State Road Transport Corporation by the Government, which included 84 junk vehicles.

The Government of Karnataka,by an order constituted a Committee for making recommendations to Government for framing guide lines in the matter of absorption of employees in accordance with the Act, and as per the recommendations of the guidelines committee. the scale of absorption for absorption of erstwhile contract carriage employees was 7.88 per vehicle. Further a Committee was constituted in the Karnataka State Road Transport Corporation in pursuance of the Guidelines prescribed and approved by the State Government for the purpose of screening all the proforma received from the Authorised officers for the purpose of absorption of employees. After screening, as many as 2637 employees of the erstwhile contract carriage operators have been absorbed in Karnataka State Road Transport Corporation in various categories.

During the process of screening of employees, about 1351 persons claiming to be employees of ex-contract carrige operators filed writ petition before the High Court of Karnataka on various grounds claiming for absorption in Karnataka State Road Transport Corporation The High Court passed interim orders 1016 writ petitions directing the Karnataka State Road Transport Corporation to assign duty to the petitioners pending disposal of the writ petitions. In 335 cases no interim orders were however passed by the High Court. Pursuant to the interim orders of the High Court 979 petitioners were assigned with duties. At an earlier stage about 37 writ petitions were disposed of after the Corporation filed memos conceding the claims of the petitions for absorption. Finally, the writ petitions were disposed off by the High Court which held that the said petitioners were not eligible for absorption. After the dismissal of the writ petitions, the Corporation took action to relieve 977 petitioners whosewrit petitions were dismissed from time to time. As on to-day two petitions are still pending in the High Court and the petitioners are continued on the basis of the interim orders.

In Writ petition No. 10203/77 dated 26-7-78 (M. S. Shivananda Vs. KSRTC) the High Court while dismissing the writ petition, overruled the claims of the petitioner and held that employees in excess of the ratio as provided in the Act are not eligible for absorption in

Karnataka State Road Transport Corporation. Soon after the disposal of the writ petition, the petitioner filed a Civil Appeal in No. 2411/78 against the orders of the High Court before the Supreme Court and obtained the interim order for maintaining the statusquo. During the said period, six more writ petitions were filed before the Supreme Court of India under Article 32 of the Constitution consisting of 712 petitioners The Supreme Court after hearing the parties on 8-9-79 dismissed the Civil Appeal and the writ Petition. The Supreme Court in the course of Judgment dated 18-9-1979 has observed as under.

(1) "Employees in excess of the scale prescribed for the categories specified under proviso to sub-section(3) of Section 19 of the Act are clearly not entitled for absorption. Though sub-clause(3) to Section 20 of the ordinance provided for absorption of certain classes of employees in particular ratio with effect from January 30, 1976 it does not follow that there was an automatic absorption as from that date. Every such person eligible for absorption had to fulfil three conditions *viz.*,"

i) he had to be a workman within the meaning of the Industrial Dispute Act 1947.

ii) he should have been immediately before the commencement of the ordinance exclusively employed in connection with the acquired property; and

iii) he had to come within the ratio provided in the proviso tosub-clause(3) to 20. The whole object of inserting sub-clause(3) to clause 20 of the ordinance was to obviate the unemployment of persons suitable for employment. For this Corporation had necessarilly to screen the applicants".

These writ petitions have not been considered for absorption in Karnataka State Road Transport Corporation prior to their filing writ petitions on various grounds such as belated sponsoring of their names, or sponsoring of their names by persons other than the notified operators or sponsoring of names on vehicles not acquired though notified or not acquired and not notified or they were beyond the ratio as per the provisions of the Karnataka Contract Carriages (Acquisition) Act 1976 or they were juniors to those absorbed even as per the recommendations and guide lines of the Committee constituted by the Government.

It has come to light from enquiry conducted so far by the security Department of the Karnataka State Road Transport Corporation that

amongst the writ petitioners about 82 persons were not genuine employees of the ex-contract carriage operators. As these petitioners have not acquired any legal right for absorption in Karnataka State Road Transport Corporation, their cases cannot be considered within the ambit of the provisions of the Karnataka Contract Carriage (Acquisition) Act 1976 and also for the aforesaid reasons. So far 33 claims have been filed before the various Authorised officers, under the Karnataka Contract Carriage (Acquisition) Act 1976 and in two cases appeals have been preferred by the Karnataka State Road Transport Corporation to the Government on the orders of the Authorised officers under the Act. One of the petitioners has also filed a writ petition before the High Court of Karnataka for issue of a writ of Mandamus. Some of these writ petitioners are staging 'Dharana' in front of Vidhana Soudha, after exhausting the legal remedies available at the High Court and Supreme Court.

However, these persons have been repeatedly representing to the Government and to the Karnataka State Road Transport Corporation that their cases for employment in the Corporation should be considered favourably. Thus it can only be considered purely on humanitarian grounds as they have no legal right, whatsoever, as pointed out earlier. An analysis of the 712 cases is given in the enclosed annexure. All the cases are liable to be rejected on the grounds indicated therein. However, keeping in view the humanitarian considerations involved, the Karnataka State Road Transport Corporation has now decided that the cases of *bonafide* employees among these 712 cases of contract carriages taken over, may be considered for employment in the base level categories of Helpers 'B' Drivers, (subject to their having driving qualifications), conductors (subject to their getting valid badge and licence), clerks (if they are willing to be absorbed in the category of clerks).

STATEMENT SHOWING THE DISPOSAL OF WRIT PETITIONERS REASON-WISE AND GROUP WISE AS PER RATIO IN THE K.C.C. (A) ACT 1976 AND THE REASONS FOR THEIR REJECTION FOR ABSORPTION IN KARNATAKA STATE ROAD TRANSPORT CORPORATION.

Sl. No.	Reasons	Groups as per ratio in KCC (A) Act 1976					
		Driver	Conductor	Tech.	Ministerial	Traffic	Total
1	2	3	4	5	6	7	8
1	Belated	3	51	27	125	68	274
2	Vehicles not notified and not acquired.	—	2	7	4	6	19
3	Sponsored by persons other than the Notified Contract Carriage Operator.	—	28	38	88	55	209
4	Jr. Army Service to these absorbed and exceeded the ratio prescribed.	—	9	8	18	8	43
5	Other reasons such as Casual employees disowned the *proforma* by the Operator- signature/seal differ etc.	—	17	20	30	28	95
6	W.P's particulars have not been furnished in the petition copy such as travels name operators name etc.	—	—	—	—	—	55
7	Names repeated.	—	—	—	—	—	17
	Total	3	107	109	265	165	
						Grand Total	712

೨-೩೦ ಪಿ.ಎಂ.

ಶ್ರೀ ಆತ್ಮಾನಂದ (ಮಂಡ್ಯ).—ಅಧ್ಯಕ್ಷರೆ, ೭೧೨ ಜನರಲ್ಲಿ ಹೆಲ್ಪರ್, ಡ್ರೈವರ್, ಕಂಡಕ್ಟರ್ ಮತ್ತು ಕ್ಲಾರ್ಕ್‌ಗಳ ಬಗ್ಗೆ ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಕನ್ಸಿಡರ್ ಮಾಡುತ್ತೇವೆಂದು ಹೇಳಿದ್ದಾರೆ. ಆದರೆ ಕೆಲವರಿಗೆ ಡ್ರೈವರ್ ಕೆಲಸ ಗೊತ್ತಿಲ್ಲದೆ ಇರುವವರು ಇದ್ದರೆ ಅವರನ್ನು ಏನು ಮಾಡುತ್ತಾರೆ ಮತ್ತು ಅವರನ್ನು ಎಷ್ಟು ದಿವಸದಲ್ಲಿ ಅಬ್‌ಸಾರ್ಬ್ ಮಾಡುತ್ತಾರೆ. ?

ಶ್ರೀ ಎಂ.ಎಂ. ಸದ್ಯೋಜಾತ. – ಮಾನ್ಯ ಮುಖ್ಯ ಮಂತ್ರಿಗಳ ಜೊತೆಯಲ್ಲಿ ಸಮಾಲೋಚನೆ ಮಾಡಿ ಆದಷ್ಟು ಬೇಗ ತೀರ್ಮಾನ ಮಾಡುತ್ತೇವೆ.

re :—Fire Accident at Holenarasipur Town on 9-3-1980.

ಶ್ರೀ ಎಚ್.ಡಿ. ದೇವೇಗೌಡ (ಹೊಳೆನರಸೀಪುರ).—ಮಾನ್ಯ ಕಂದಾಯ ಸಚಿವರ ಗಮನವನ್ನು ಹೊಳೆನರಸೀಪುರ ಟೌನ್‌ನಲ್ಲಿ ನಡೆದ ಬೆಂಕಿ ಅನಾಹುತದ ಬಗ್ಗೆ ಸೆಳೆಯುವುದಕ್ಕೆ ಇಷ್ಟಪಡುತ್ತೇನೆ.

ಶ್ರೀ ಎಸ್. ಬಂಗಾರಪ್ಪ (ಮಾನ್ಯ ಕಂದಾಯ ಸಚಿವರು).—ತಾರೀಖು ೯-೩-೧೯೮೦ ರಂದು ರಾತ್ರಿ ಸುಮಾರು ೧೧ ಗಂಟೆ ಸಮಯದಲ್ಲಿ ಹೊಳೆನರಸೀಪುರ ಟೌನ್‌ನಲ್ಲಿ ಕೂಡಿಹಾಕಿರುವ ಹುಲ್ಲಿನ ಬಣವೆಗಳಿಗೆ ಆಕಸ್ಮಿಕವಾಗಿ ಬೆಂಕಿ ಹೊತ್ತಿಕೊಂಡ ಕಾರಣ ಸಂಬಂಧಪಟ್ಟ ಕೆಳಗೆ ನಮೂದಿಸಿದ ನಾಲ್ಕು ಜನರಿಗೆ ರೂ. ೧೪,೦೦೦ ದಷ್ಟು ನಷ್ಟವಾಗಿದೆ ಎಂದು ತಿಳಿದುಬಂದಿದೆ.

ಹೆಸರು	ನಷ್ಟಗಳ ವಿವರಗಳು	ಅಂದಾಜು ನಷ್ಟ
ಶ್ರೀಯುತರುಗಳಾದ		ರೂಪಾಯಿಗಳು
೧. ಬಿ.ಎನ್. ರಾಜಪ್ಪ,	೬೫ ಗಾಡಿಯಷ್ಟು ಹುಲ್ಲು	೪,೦೦೦-೦೦
೨. ಪಿ. ಕೃಷ್ಣಶೆಟ್ಟಿ	೬೦ ಗಾಡಿಯಷ್ಟು ಹುಲ್ಲು	೩,೫೦೦-೦೦
೩. ಪಿ. ಸುಬ್ಬಶೆಟ್ಟಿ	೬೫ ಗಾಡಿಯಷ್ಟು ಹುಲ್ಲು	೪,೦೦೦-೦೦
೪. ಆರ್. ರಾಮಶೆಟ್ಟಿ	೪೨ ಗಾಡಿಯಷ್ಟು ಹುಲ್ಲು	೨,೫೦೦-೦೦
		೧೪,೦೦೦-೦೦

ಮನುಷ್ಯರ ಹಾಗೂ ಪ್ರಾಣಿಗಳ ಪ್ರಾಣಹಾನಿಯಾಗಿಲ್ಲವೆಂದು ತಿಳಿದು ಬಂದಿದೆ. ಮೈಸೂರು ಅಗ್ನಿಶಾಮಕ ದಳದವರಿಂದ, ಹಾಗೂ ಊರ ಜನರ ಸಹಾಯದಿಂದ ಬೆಂಕಿಯನ್ನು ನಂದಿಸಲಾಯಿತು. ಬೇಸಿಗೆಯಲ್ಲಿ ಹುಲ್ಲು ಬಣವೆಗಳಿಗೆ ಬೆಂಕಿ ಬೀಳುವ ಸಂದರ್ಭಗಳು ಸರ್ವಸಾಮಾನ್ಯವಾಗಿದ್ದು, ಅದಕ್ಕಾಗಿ ಸಂಬಂಧಪಟ್ಟ ಜನರೇ ಆ ಬಗ್ಗೆ ಹೆಚ್ಚಿನ ಮುಂಜಾಗ್ರತೆಯನ್ನು ವಹಿಸಬೇಕು.

ನಷ್ಟ ಹೊಂದಿದ ನಾಲ್ಕು ಜನರು, ಅನುಕೂಲಸ್ಥ ಹಿಡುವಳಿದಾರರಾದ್ದರಿಂದ ಈಗಿನ ನಿಯಮಗಳ ಪ್ರಕಾರ, ಸರ್ಕಾರದ ಪರಿಹಾರಧನಕ್ಕೆ ಅರ್ಹರಾಗುವುದಿಲ್ಲ. ಹೊಳೆನರಸೀಪುರ ತಾಲ್ಲೂಕಿನ ತಹಶೀಲ್ದಾರರು ನಷ್ಟ ಹೊಂದಿದವರಿಗೆ ಬೇರೆ ಹುಲ್ಲನ್ನು ಒದಗಿಸುವ ವ್ಯವಸ್ಥೆಯನ್ನು ಈಗಾಗಲೇ ಮಾಡಿದ್ದಾರೆ. ತಹಶೀಲ್ದಾರರು ೧೦-೩-೧೯೮೦ನೇ ದಿನ ಮುಂಜಾನೆ ೮-೦೦ ಗಂಟೆಗೆ ಸ್ಥಳಕ್ಕೆ ಭೇಟಿಕೊಟ್ಟು ಮೇಲಿನಂತೆ ಕ್ರಮಕೈಗೊಂಡಿದ್ದಾರೆ.

ಶ್ರೀ ಎಚ್.ಡಿ. ದೇವೇಗೌಡ.—ಸ್ವಾಮಿ ಗಮನ ಸೆಳೆಯುವ ಸೂಚನೆಯ ಬಗ್ಗೆ ನಾನು ಈಗಾಗಲೇ ಎರಡು ಪ್ರಕರಣಗಳನ್ನು ತಮಗೆ ಕಳುಹಿಸಿದ್ದೇನೆ. ಅದು ಸಣ್ಣ ರೈತರಿಗೆ ಸಂಬಂಧಪಟ್ಟದ್ದು. ಅದು ನಾಳೆಯೋ ಅಥವಾ ನಾಡಿದ್ದೋ ಈ ಸಭೆಯಲ್ಲಿ ಬರಬಹುದು. ಈಗ ಇಲ್ಲಿ ಆಕಸ್ಮಿಕವಾಗಿ ಹುಲ್ಲು ಮೆದೆಗೆ ಬೆಂಕಿ ಬಿದ್ದಿದೆ, ಆದ್ದರಿಂದ ಸಂಬಂಧಪಟ್ಟ ಜನರೇ ಆ ಬಗ್ಗೆ ಹೆಚ್ಚಿನ ಮುಂಜಾಗ್ರತೆಯನ್ನು ವಹಿಸಬೇಕು